

U.S.S.N. 09/750,406

- 6 -

SBC 0102 PUS (A 00607)

**REMARKS**

Examiner's comments in the Office Action marked "non-final" and dated August 24, 2005 have been carefully considered by Applicants. In view of such comments, Applicants have amended the claims as set forth herein. In particular, independent claims 1, 7, 14, and 15 and also dependent claims 2, 3, 6, 10, 12, and 16-19 have all been amended to better highlight the patentable differences of Applicants' proposed invention as compared to the prior art cited and interpreted by Examiner in the Office Action. In making such amendments, Applicants maintain that no new matter has been introduced into the present Application. Furthermore, no claims have been newly canceled, and no entirely new claims have been added. Thus, claims 1-3, 6, 7, 10, 12, and 14-19 remain pending in Applicants' present Application. It is Applicants' good faith belief that the pending claims, as presented herein, are both novel and non-obvious. Therefore, Applicants respectfully aver that the pending claims now place the present Application in a condition for allowance and notice thereof is respectfully requested.

**35 U.S.C. § 102(e)**

In the Office Action, independent claims 1, 7, 14, and 15 and also dependent claims 2, 3, 6, 10, 12, and 16-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated and therefore unpatentable over United States Patent Number 6,208,732, issued to Moschytz *et al* on March 27, 2001 (hereinafter "Moschytz"). Applicants respectfully traverse each of these 35 U.S.C. § 102 rejections set forth in the Office Action in view of the claims as amended, for Applicants' invention as presently claimed herein is deemed to be novel in light of the prior art cited by Examiner.

In particular, for Moschytz to anticipate the inventive subject matter now set forth and claimed in Applicants' independent claim 1, Moschytz must disclose

[an] XDSL system comprising:  
a hybrid circuit in operative communication with the remote end of a transmission line and also an XDSL modem associated with a subscriber premises, said hybrid circuit comprising a plurality of selectable impedance circuits; and

U.S.S.N. 09/750,406

- 7 -

SBC 0102 PUS (A 00607)

a switch for connecting each of said plurality of selectable impedance circuits in-line with said XDSL modem and also said remote end of said transmission line in response to a control signal;

wherein one of said plurality of impedance circuits has an impedance value equal to a characteristic line impedance of said transmission line without a bridged tap; and

wherein another one of said plurality of impedance circuits has an impedance value equal to a characteristic line impedance with a bridged tap[.]

as required by Applicants' claim 1 amended herein. Moschytz, however, does not disclose such "an XDSL system" including (1) "a hybrid circuit in operative communication with the remote end of a transmission line and also an XDSL modem associated with a subscriber premises" and (2) "a switch for connecting each of [the] selectable impedance circuits [included in the hybrid circuit] in-line with [the] XDSL modem and also [the] remote end of [the] transmission line" (emphasis added). Instead, Moschytz discloses a DSL-compatible hybrid circuit that is situated within data communications equipment at a central office (i.e., the service provider end of a local loop) and that is operable with multiple different subscriber loops. Thus, whereas Applicants claim an XDSL system dedicated to and operable with the remote end of a transmission line in association with a particular subscriber's premises (i.e., the subscriber end of a local loop), Moschytz, in stark contrast, discloses a hybrid circuit that is operable at the provider end of a transmission line and that is not dedicated to a single subscriber loop. (Moschytz, see particularly column 1, lines 18-28; column 2, lines 19-52; column 5, lines 19-45; column 6, lines 11-20; column 7, lines 28-30; and column 8, lines 16-21, 50-56, 59-65).

In sum, therefore, since Moschytz does not disclose "an XDSL system" as particularly set forth in Applicants' independent claim 1 amended herein, Applicants respectfully aver that claim 1 is not anticipated by Moschytz and is therefore novel. Furthermore, since claims 2, 3, and 6 are dependent on independent claim 1, Applicants also respectfully aver that claims 2, 3, and 6 are not anticipated by Moschytz and are thus novel as well.

U.S.S.N. 09/750,406

- 8 -

SBC 0102 PUS (A 00607)

Since the inventive subject matter now set forth and claimed in Applicants' independent claims 7, 14, and 15 is substantially similar to the inventive subject matter in Applicants' independent claim 1, Applicants respectfully aver that claims 7, 14, and 15 are not anticipated by Moschytz and are therefore novel as well for generally the same reasons that claim 1 is deemed novel hereinabove. Furthermore, since claims 10 and 12 are dependent on independent claim 7 and claims 16-19 are dependent on claim 15, Applicants also respectfully aver that claims 10, 12, and 16-19 are not anticipated by Moschytz and are thus novel as well.

### CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that independent claims 1, 7, 14, and 15, as well as claims 2, 3, 6, 10, 12, and 16-19 dependent thereon, are novel with respect to the disclosures of Moschytz. Therefore, Applicants respectfully request that Examiner's rejections under 35 U.S.C. § 102(e) be withdrawn and that a Notice of Allowance be issued for all claims 1-3, 6, 7, 10, 12, and 14-19.

Should Examiner have any questions with respect to any matter now of record, Examiner is invited to contact Applicants' undersigned attorney at (248) 223-9500.

Respectfully submitted,

**ARTZ & ARTZ, P.C.**



Robert P. Renke, Reg. No. 40,783  
28333 Telegraph Road, Suite 250  
Southfield, MI 48034  
(248) 223-9500

Dated: November 1, 2005